

**FRANKLIN TOWN COUNCIL  
MINUTES OF MEETING  
September 27, 2017**

A meeting of the Town Council was held on Wednesday, September 27, 2017 at the Franklin Municipal Building, 355 East Central Street, Franklin, Massachusetts. Councilors present: Andrew Bissanti, Robert Dellorco, Glenn Jones, Matthew Kelly, Thomas Mercer, Peter Padula, Deborah Pellegrini, Judith Pond Pfeffer, Robert Vallee. Councilors absent: None. Administrative personnel in attendance: Jeffrey Nutting, Town Administrator; Jamie Hellen, Deputy Town Administrator; Mark Cerel, Town Attorney.

**CALL TO ORDER:** Chairman Kelly called the meeting to order at 7:00 PM with a moment of silence and the Pledge of Allegiance.

**ANNOUNCEMENTS:** Chairman Kelly announced the meeting is being recorded by *Franklin TV* and available for viewing on Comcast Channel 11 and Verizon Channel 29. This meeting may also be recorded by others.

**PROCLAMATIONS/RECOGNITIONS:** *None.*

**CITIZEN COMMENTS:** *None.*

**APPOINTMENTS:** ► *Council on Aging.* ► Ms. Pfeffer read the appointment. ► **MOTION to Ratify** the appointment by the Town Administrator of Janet Milici to serve as a member of the Council on Aging, with an expiration of June 30, 2020 by **Pfeffer. SECOND by Mercer. Discussion:** ► Mr. Bissanti thanked Ms. Milici, who was present at the meeting, for volunteering. ► **VOTE: Yes-9, No-0, Absent-0.**

► **Treasurer/Collector.** ► Ms. Pfeffer read the appointment. ► **MOTION to Ratify** the appointment by the Town Administrator of Kerri Anne Bertone to serve as Treasurer/Collector of the Town of Franklin effective November 6, 2017 by **Pfeffer. SECOND by Mercer. Discussion:** ► Mr. Nutting recognized Jim Dacey for his 18 years of service; he has done a great job. He also recognized the search committee members and reviewed the search process. He stated that at the end of the process, the committee unanimously recommended Kerri Anne Bertone who is currently the Assistant Collector/Treasurer for the Town of Franklin. ► Ms. Pellegrini stated she had concerns about this appointment. She stated that the advertisement for the position listed a bachelor's degree in finance as the first requirement; this candidate does not have that degree. She noted that when the position was changed from elected to appointed, the main reason was to get the best qualified person; that is not happening in this case. This is a very important job. Since a Bachelor of Science degree is evidently not what the Town is looking for, the position could be advertised again without said requirement. Some of the people that did apply had the degree, but the Town has now chosen someone without the degree. And, the degree the candidate will be earning from Dean College will be in business, not finance. She stated the position is so important that the candidate should have a bachelor's degree in finance as stated on the job posting. ► Mr. Dellorco confirmed this is a permanent appointment, not a term of office. ► Mr. Nutting stated that he did not know if the other candidates had bachelor of finance degrees; he stated there is no doubt in his mind that Kerri was by far the most qualified person to take on the job. ► A search committee member provided educational backgrounds on some of the candidates interviewed. She agreed this should be an appointed position. She stated that the position is financial, but that does not mean a finance degree is needed to do it. ► Mr. Mercer, a member of the search committee, stated that the candidate tonight was far above any candidate interviewed. He reviewed the background of some of the other candidates. He stated that Ms. Bertone knew that answers to all the questions asked. As well, she has been training for a year in the treasurer's office. He stated it would be a huge mistake to not ratify this appointment. ► Mr. Jones stated that he personally knows some of the people on the search committee making the recommendation of this appointment; they are all professionals and he has full faith and trust in them. He also has his full trust in

Ms. Bertone and she knows the town already; he supports Ms. Bertone. ► Ms. Pfeffer reviewed the that the reason the position was taken from elected to appointed was to get the most experienced person, not the most popular, because the Town is like a \$100 million company. The job description calls for a minimum of a bachelor's degree. The individual being presented does not even have an associate degree. If the Town is not willing to meet the basic job requirements advertised, then it should say so in the advertisement; many other people would have applied for this position. She is going to vote against the appointment. She is in favor of women being appointed; but, in this case she would vote against it being either a woman or a man with these same qualifications. The education matters; the position should be run by a professional with a degree. ► Mr. Padula stated there is something to be said for institutional knowledge; it makes a big difference. Maybe part of the problem was what the job description said. ► Mr. Nutting stated the job description is a wish list. You have to have some faith in the search committee. ► Mr. Dacey stated this is a perfect transition; Ms. Bertone has been transitioning for a year into this position. ► Mr. Bissanti said how far Ms. Bertone has matriculated is of no importance to him; the institutional knowledge gained from working with Jim is tantamount. He stated she has his vote. ► Mr. Dellorco stated there is no doubt that she can do the job, she is striving for her degree, and she is from Franklin; she has his support. ► Chairman Kelly stated that when it was decided to take this position from elected to appointment, they knew it would be tough to find the right candidate, especially from Franklin. He stated that the weight of having one of our own in such an important position in the town is huge. He stated he knows many people who are very successful that do not have degrees. To say that someone does not have a degree is rather insulting. He stated that the Town Council gave the Town Administrator much grief about not having someone from the Town Council on the hiring committee. Now, there was a Town Council member, Mr. Mercer, on this hiring committee. He stated that since there was a Town Council member on the committee, the Town Council should have no problem supporting the candidate. For that reason, he will support this candidate. She is from Franklin and has had on-the-job training. ► **ROLL CALL VOTE:** Bissanti-YES; Dellorco-YES; Jones-YES; Kelly-YES; Mercer-YES; Padula-YES; Pellegrino-NO; Pfeffer-NO; Vallee-YES. ► **VOTE: Yes-7, No-2, Absent-0.**

**HEARINGS: *Zoning Bylaw Amendment 17-797: Setbacks for Accessory Buildings and Structures.***

► Ms. Pfeffer read the Zoning Bylaw Amendment. ► **MOTION to Open the hearing by Mercer. SECOND by Dellorco. No Discussion.** ► **VOTE: Yes-9, No-0, Absent-0.** ► Mr. Nutting stated that all this does is change the setback requirements in all areas to 10 ft. He noted that the Building Commissioner was before the Town Council a few weeks ago to explain the confusion. ► **MOTION to Close the hearing by Mercer. SECOND by Dellorco. No Discussion.** ► **VOTE: Yes-9, No-0, Absent-0.**

**LICENSE TRANSACTIONS: ► 99 Restaurant – Change in Officer/Director (Continuation: Motion to Remove 99 Restaurant License Transaction from the Table – Majority vote (5)). ► MOTION to Remove from the Table 99 Restaurant License Transaction by Mercer. SECOND by Dellorco. No Discussion.** ► **VOTE: Yes-9, No-0, Absent-0.** ► Ms. Pfeffer read the license transaction. ► **MOTION to Approve the Change of Officers/Directors for the 99 Restaurant of Boston LLC pursuant to the instructions sent by the ABCC by Pfeffer. SECOND by Mercer. Discussion:** ► Mr. Nutting stated the applicant is here with their attorney. ► Mr. Kyle Gil, on behalf of the Devlin Law Offices, and Mr. Philip Wallach, Manager of 99 Restaurant, Franklin location, addressed the Town Council. Mr. Gil stated this is an inverted filing; Hazem Ouf and Anita Adams have left the company and were replaced by Charles Noyes and Gregory Hayes. This is occurring across all 64 locations. He noted there was an error; there is a change of officers. This transaction does not affect any of the operations. ► Mr. Cerel confirmed the application is now accurate. ► Mr. Wallach, in response to a Council member's question, explained the alcohol awareness process and TIPS Certification for all employees. ► **VOTE: Yes-9, No-0, Absent-0.**

**PRESENTATIONS/DISCUSSIONS: None.**

**SUBCOMMITTEE REPORTS: None.**

## LEGISLATION FOR ACTION:

1. **Resolution 17-55: Declaration of Town-Owned Land (Vacant Parcel on Summer Street) as Surplus and Available for Disposition and Authorization to Sell Said Parcel (Motion to Move Resolution 17-55 – 2/3 majority vote (6)).** ► Ms. Pfeffer read the resolution. ► **MOTION to Move** Resolution 17-55: Declaration of Town-Owned Land (Vacant Parcel on Summer Street) as Surplus and Available for Disposition and Authorization to Sell Said Parcel by **Mercer. SECOND** by **Padula. Discussion:** ► Mr. Nutting stated this piece of land was acquired by tax title. The Treasurer tried to sell it at auction, but no one bid on it as it has no real value. The next-door abutter contacted the Town and asked if he could purchase it; so, he is recommending the sale of the parcel. ► Ms. Pfeffer asked about the Registry of Deeds Book 35,157 number. ► Mr. Nutting said he would check; it may be a typo. ► The abutter stated he has no plans for the property. He questioned that the assessment of the property online states \$2,900, but the purchase price is now \$3,300. ► Mr. Nutting stated that appraisals lag by 18 months; this is an up-to-date number. ► **VOTE: Yes-9, No-0, Absent-0.**
  
2. **Resolution 17-56: Declaration as Surplus and Available for Partial Disposition (Leasing and Authorization therefor of Town-Owned Structure and Land on Upper Union Street. (Motion to Move Resolution 17-56 – 2/3 majority vote (6)).** ► Ms. Pfeffer read the resolution. ► **MOTION to Move** Resolution 17-56: Declaration as Surplus and Available for Partial Disposition (Leasing and Authorization therefor of Town-Owned Structure and Land on Upper Union Street by **Mercer. SECOND** by Padula. **Discussion:** ► Mr. Nutting stated the Town has leases for cell towers on water tanks; this would allow the Town to go out to bid and get a lease on one that is expiring. The Town gets about \$50,000 per lease per year. This is revenue for the Town with no harm. There are four carriers on there right now; one is expiring and going out to bid. This is the water tank that was just painted for \$600,000 last year. He noted that all the leases have specific requirements on how the towers must be mounted. ► **VOTE: Yes-9, No-0, Absent-0.**  
  
► *Mr. Cerel noted that the reference on the prior resolution was correct.*
  
3. **Resolution 17-57: Amendment of FY 2018 Budget. (Motion to Move Resolution 17-57 – majority vote (5)).** ► Ms. Pfeffer read the resolution. ► **MOTION to Move** Resolution 17-57: Amendment of FY 2018 Budget from \$120,465,810 to \$120,602,310 as outlined, by **Mercer. SECOND** by **Jones. Discussion:** ► Mr. Nutting reviewed and explained each proposed adjustment. ► Police Chief Lynch, in response to Council members' questions, confirmed that he did want to send two people to the academy. Knowing that two officers are going to leave, he cannot afford to wait for a year for replacements; he would like to get them in the academy in January. Otherwise, he would be down two people for entire FY 2019. He stated he wanted to replace the one canine immediately. He noted that having two dogs does not fit. ► **VOTE: Yes-9, No-0, Absent-0.**  
  
► *Mr. Cerel requested that the Clerk hand write in the date as the date line was omitted.*
  
4. **Resolution 17-60: Appropriation – DPW – Public Way Improvements. (Motion to Move Resolution 17-60 – majority vote (5)).** ► Ms. Pfeffer read the resolution. ► **MOTION to Move** Resolution 17-60: Appropriation – DPW – Public Way Improvements for \$550,000 by **Mercer. SECOND** by **Padula. Discussion:** ► Mr. Nutting stated the Budget Subcommittee approved this and the Finance Committee unanimously approved this. This is the annual request from the Hotel/Motel tax to use for capital improvements for roads. He noted Director of Public Works Brutus Cantoreggi's letter suggesting roads to be looked at. Before any final road decisions are made, a presentation will be made to the Town Council. ► Mr. Padula asked about the \$550,000. ► Mr. Nutting said it would be about 90 percent. ► Ms. Pfeffer confirmed that there will be no money left in the Hotel/Motel tax for

the year. ► Council members asked about specific streets on Mr. Cantoreggi's list. ► **VOTE: Yes-9, No-0, Absent-0.**

5. **Resolution 17-61: Appropriation – Police – Radio System Improvements. (Motion to Move Resolution 17-61 – majority vote (5)).** ► Ms. Pfeffer read the resolution. ► **MOTION to Move Resolution 17-61: Appropriation – Police – Radio System Improvements for \$18,000 by Mercer. SECOND by Dellorco. Discussion:** ► Mr. Nutting stated that about a week after the Budget Subcommittee met, the Police Chief presented the issue that he had a review of the police radio antenna and system done by an outside consultant. The consultant made some recommendations as presented in the Police Chief's memo of September 14, 2017 stating they needed to do the work listed in the memo. Mr. Nutting stated that he does not think public safety issues should wait, so he is asking the Town Council to approve this tonight. ► Chief Lynch spoke about the agreement with Medway for relocation of the repeater to the tower at the Medway Police Station which will provide for more coverage. He reviewed the issues as outlined in the memo. He stated the northern part of Town is having the radio system problems. ► **VOTE: Yes-9, No-0, Absent-0.**
  
6. **Resolution 17-59: Declaration of Town-Owned Land on Grove Street (Remaining Portion of Former Nu-Style Property) as Surplus and Available for Disposition (Motion to Move Resolution 17-59 – 2/3 majority vote (6)).** ► Ms. Pfeffer read the resolution. ► **MOTION to Move Resolution 17-59: Declaration of Town-Owned Land on Grove Street (Remaining Portion of Former Nu-Style Property) as Surplus and Available for Disposition by Mercer. SECOND by Padula. Discussion:** ► Mr. Nutting stated there is a typo under the second *whereas*; the area is 35,923 sq. ft. This proposal would allow the Town to attempt to seek proposed bidders for the property with the caveat that they would be responsible for the complete cleanup of the land and demolition of the collapsed building to be awarded the land. This would alleviate the Town from doing that. The Town would get a clean site and someone would get a useable piece of property. Currently, the value is a couple hundred thousand; but the cleanup costs are estimated at well over \$300,000 for the Town to do it. A private developer could do it for less. ► Mr. Mercer thanked him for putting a map on the screen to see; it is very helpful for the people at home to see. ► Mr. Jones noted that he hopes there is at least one bid and that this gets cleaned up. ► Mr. Bissanti stated that it is only \$100 and these properties can be cleaned up. ► Chairman Kelly stated he thinks it should be cleaned up before the Town tries to get rid of it. He thinks this will continue to be a problem to haunt the Town. ► Mr. Nutting stated that someone else may be able to get tax credits, whereas the Town is a government and cannot get tax credits. ► Mr. Bissanti asked why the Town ever took this property to begin with. ► **VOTE: Yes-9, No-0, Absent-0.**

*Mr. Bissanti recused himself.*

7. **Zoning Bylaw Amendment 17-795R: Zoning Map Changes from Business and Commercial II to Single Family Residential IV and Commercial I, in an Area on or near Union, Cottage and Saxon Streets – 2<sup>nd</sup> Reading (Motion to Move Zoning Bylaw Amendment 17-795R – 2/3 majority roll call vote (6)).** ► **MOTION to Waive the reading by Mercer. SECOND by Pfeffer. No Discussion.** ► **VOTE: Yes-8, No-0, Absent-0.** ► **MOTION to Move Zoning Bylaw Amendment 17-795R: Zoning Map Changes from Business and Commercial II to Single Family Residential IV and Commercial I, in an Area on or near Union, Cottage and Saxon Streets by Mercer. SECOND by Jones. Discussion:** Mr. Nutting stated this is a proposed zoning change of the Union and Cottage Street area. He described the current and proposed zoning for the properties on the map that was shown on the screen. ► Chairman Kelly noted that they received a letter from the Planning Board stating they would like the Town Council to look at Commercial I and the parking requirements. He said this should be put on for discussion in October/November. ► Mr. Padula requested Mr. Nutting review the issues the Planning Board had. ► Mr. Nutting reviewed that a small portion of the light

green area on the map, similar to a portion in the downtown area, has no parking requirement; this was adopted about 12 to 14 years ago. This was done at that time to stimulate the downtown for people to develop their property. He said the thought is that if they are going to keep Commercial I, there should be some parking requirement. The next Town Council should look at it. The Planning Board is saying do not vote for the whole thing; he is recommending the Town Council vote for it and then go back and look at the parking issue. Mr. Nutting stated that Franklin TV was not incorporated into this. ► Council Members discussed the proposed zoning changes. ► Mr. Taberner, Director of Planning and Community Development, explained what could be built in CI and other zones and parking requirements. ► Mr. B. Bullock, 17 Wachusett Street, stated he is concerned that the property is being changed from a residential zone to a commercial zone. He does not understand why the Town is setting this precedent to change a residential area just because someone wants to push a line. Is due diligence really being done? It was just noted that the TV station was not captured in this proposed change. For the best interest of the Town, there should be residential areas where people can live and build houses. ► **ROLL CALL VOTE:** Dellorco-YES; Jones-YES; Kelly-YES; Mercer-YES; Padula-YES; Pellegri-YES; Pfeffer-YES; Vallee-YES. ► **VOTE: Yes-8, No-0, Absent-0.**

*Mr. Bissanti re-entered the meeting.*

8. **Zoning Bylaw Amendment 17-797: Setbacks for Accessory Buildings and Structures – 1<sup>st</sup> Reading. (Motion to Move Zoning Bylaw Amendment 17-797 to a 2<sup>nd</sup> Reading – majority vote (5)).** ► Ms. Pfeffer read the zoning bylaw amendment. ► **MOTION to Move Zoning Bylaw Amendment 17-797: Setbacks for Accessory Buildings and Structures to a 2<sup>nd</sup> Reading by Mercer. SECOND by Padula. Discussion:** ► Mr. Nutting stated no comment; he thinks everyone understands the issue. ► **VOTE: Yes-9, No-0, Absent-0.**

**TOWN ADMINISTRATOR'S REPORT:** ► Mr. Nutting stated all is well.

**FUTURE AGENDA ITEMS:** ► Mr. Padula stated the issue related to the parking in Commercial I should be put on a future agenda. ► Mr. Bissanti stated that it should be noted that there are two very valuable parcels around the center of town that the Town could take advantage of; he would like to have it out there for a discussion.

**COUNCIL COMMENTS:** ► Mr. Bissanti gave condolences to the family of Lauri-Anne Lozzi. ► Ms. Pellegri stated the Friends of the Franklin Historical Museum are holding an appreciation day Open House on Sunday, from 1:00-4:00 PM; please stop in. A free Flu Clinic for all Franklin residents, ages six months or older, with no co-pays, will be done by the Board of Health, VNA, at the Senior Center, Tuesday, October 17, 9:30-11:30 AM. She asked what is happening with the siding on the Museum; it did not get finished this summer. ► Mr. Nutting stated they have just been out straight. ► Mr. Mercer stated the chairs are very squeaky and the noise may be distracting to the TV audience.

**EXECUTIVE SESSION:** *None.*

**ADJOURN: MOTION to Adjourn by Mercer. SECOND by Jones. No Discussion.** ► **VOTE: Yes-9, No-0, Absent-0. Meeting adjourned at 8:33 PM.**

Respectfully submitted,

Judith Lizardi  
Recording Secretary